

Circuit Court of the United States, }
District of Massachusetts, } In Equity.

Arthur I. Sullivan et al v. Charles A. White et al.

To the Honorable the Justices of the Circuit Court of the United States within and for the First Circuit and District of Massachusetts.

Arthur I. Sullivan, William I. Gilbert and Richard D'Oyly Carte, all of London in the Kingdom of Great Britain and citizens thereof, bring this their bill against Charles A. White and William F. Smith, both of Boston in said District and citizens thereof, copartners having their place of business in said Boston, under the name of ~~White, Smith & Company~~ and thereupon your orators complain and say:-

1. That your orators, the said Sullivan and the said Gilbert, are the first and original authors and sole owners of a certain new comic opera entitled and known as "The Pirates of Penzance, or the Slave of Duty", and the words and the music thereof; which said opera was first produced and publicly performed in the year 1879.

2. That in said year 1879, the

said Sullivan and Gilbert, being the authors and owners of the said opera as aforesaid, by an instrument in writing, granted unto your orator, the said R. D'Oyly Carte, the sole and exclusive right to produce the said opera in the United States and Canada, under the supervision and direction of the said Sullivan and Gilbert.

3. That thereafter, after careful preparation therefor and at great expense, the said opera was produced and performed on the stage in the United States, under the personal supervision of your orator; and the same obtained and now has a great and valuable reputation.

4. That neither the said opera nor any part thereof has ever been copyrighted by the said Sullivan and Gilbert or either of them, nor, save as above, has the same, until the wrongful acts of the defendants herein after complained of, ever been performed, printed or published; but the same has always been kept in manuscript, only such copies thereof

being allowed to be made as were necessary for the proper rehearsal and performance of the said opera on the stage, and the said copies being most carefully preserved and kept in the possession of your orators and their authorized agents in order to prevent the same from being copied or in any way used save for said performance on the stage.

5. That your orators are the sole and exclusive owners of the said opera and the words and music thereof, and the exclusive right to produce, perform and publish the same and the words and music thereof; which said right is of great value and a source of great profit to your orators; and none of your orators have ever authorized, licensed, consented to or acquiesced in the production, performance or publication of the said opera or the words or music thereof, save as aforesaid, but on the contrary they have always taken great care and precaution to prevent the production, performance and publication thereof, save by themselves; and have never consen-

ted to or acquiesced in any invasion or infringement of their said right.

6. That the defendants well knowing the premises without the license of your orator or either of them, and in violation of your orators' said exclusive right, have published, and exposed and advertised for sale, and sold, at Boston in said District and elsewhere in the United States, and are now engaged in and threaten to continue publishing and exposing for sale and selling large numbers of certain publications, containing reproductions of the words and music of many parts of the said opera, as by copies of said publications herewith produced and shown unto your Honors will fully appear; and announce the publication of and threaten to publish and sell other publications containing the words and music of other portions of the said opera, but how many of such publications the defendants have so published and sold your orators cannot state and pray the defendants may discover

and set forth in answer to this bill.

All which actings and doings are contrary to equity and good conscience and tend to the manifest wrong and injury of your orators in the premises.

7. That your orators will be subject to great and irreparable injury unless they shall obtain the relief hereby sought.

8. That the matter or amount in controversy herein exceeds the amount of five hundred dollars.

Wherefore your orators pray that the defendants may be required to answer the premises under oath; and may be decreed to account for and pay over to your orators all gains and profits by them realized from their said unlawful publications and sales; and to deliver up to be destroyed all remaining copies of their said publications, and the type or plates from which they are printed; and that they may be restrained by an injunction of this Court, from advertising, publishing, ex-

that they may be restrained in like manner
by a restraining order of this Court till the prayer
from injunction may be heard and decided;

posing for sale or selling, any of
said publications or any publi-
cations containing the words or
music of the said opera or any
portion thereof; ^{and from using or using the said typen or plates} and that they
may be enjoined in like man-
ner and to like effect pending
this suit; and that your orators
may have such other and further
relief as to your Honors may
seem meet and the nature of
the case may require.

And to the end that your
orator may have such discovery
and relief, may it please your
Honors to grant unto your orators,
writs of injunction, ^{and a restraining order} conformable
to the prayer of this bill and
also a writ of subpoena, to be
directed to the said Charles H.
White and William F. Smith, com-
manding them at a certain time
and under a certain penalty there-
in to be limited, personally to be
and appear before this Honorable
Court, then and there to answer
this bill, and to do and receive
what to your Honors shall seem

meet.

Arthur S. Sullivan.

William S. Gilbert.

R. Lloyd Saks.

by Brown, Holmes & Brown

Whiston & of counsel.

Oct. 7. 1879 1391
Arthur S. Sullivan of Cal.

v.

Charles A. White of Cal.

Bill of Complaint

Recorded
13478.

Lucy A. and others June 19th
1880. June 19. 1880.
Sum. att. April 24, 1880 at 11:15 AM



Circuit Court of the United States }
District of Massachusetts } *In Equity*
No 1398
Arthur S. Sullivan & Co

vs
Charles A. White & Co
Sowell J. *Rec'd from* On this twenty fourth
day of April AD 1880 the
parties in the above entitled
cause appeared by their
counsel, Alexander P. Brown
Esq for complainant and
Thomas W. Clarke Esq for
Defendant, and desired that
the hearing of the motion
for injunction be had on
this day, and thereupon on
motion of Alexander P.

Morrow Esq, Defendants
counsel saying that he had
examined the case and advi-
sed Defendants that they had
no defence and stating they should
~~make no defence,~~
It is ordered adjudged and
decreed that ~~the defendants be removed~~
~~and the cause be continued~~
pendente lite ~~until further order~~ according
to the prayer of the Bill, ~~and~~
~~that the continuing order~~
~~heretofore issued be contin-~~
~~ued.~~

And counsel for Defendant
further desiring that the cause
be now ^{heard &} disposed of finally
without further delay or ex-
pense, ~~as on bill~~ ^{and affidavits as on}
^{final hearing are proper and proper,}
On motion of Alexander P
Morrow Esq of counsel for

complainants, defendants come
all according to the form of
the decree,

It is ordered, adjudged and
decree that ~~the said injunction~~
~~be made perpetual, and~~
that defendants have infringed
on the exclusive rights of the
complainants as set forth in
the Bill, and that the defen-
dants profits be assessed at
the sum of one dollar,
and that complainants recov-
er the sum of one dollar
as profits ~~& damages~~, and
costs taxed at ~~the sum of one dollar~~

and it is further ordered, judged and
decree that ~~the said injunction be made~~
~~perpetual, and that the said~~
~~injunction be made perpetual.~~
By the Court: John H. Helms

1391

Sullivan et al.
v.
White et al

Final Decree

4

Entered April 24, 1891

Circuit Court of the United States
District of Massachusetts
in Equity.

Arthur G. Sullivan et al

v.

Charles H. White et al

Alfred Wallis of London, England
being duly sworn says:

I am 36 years of age and reside
in London, England. I am by profes-
sion a musician, conductor of the
Opera Bouique in London, and also
of the Promenade Concerts at the Royal
Palace Opera Covent Garden Theatre,
and I have composed or several operas,
operettas, and other musical works.
I have been associated with Messrs
Gilbert and Sullivan, the author and
composer respectively of the opera
known as the "Pirates of Penzance, or
the Slave of Duty" from the beginning
as their musical director and conduc-
tor, have had charge of the instruc-
tion and drill of the principal
artists and of the choruses of the

four companies now playing the
opera in this country and I am
in consequence thoroughly familiar
with the music of the opera and
have written out from memory
much of the score and vocal parts
now in use by these companies.

In my capacity as musical director
^{in accordance with instructions from Messrs. [illegible] & [illegible]}
I have always required that
the score and vocal parts should
be most carefully kept and
when not in actual use in the
performance. At the end of each
performance all the scores and vocal
parts are collected by a person
detailed for the purpose put in a
basket which is locked and taken
to my hotel or other stopping place
and I am informed and fully
believe that extraordinary
precautions are taken when the
piece is produced by the other
companies.

I have carefully examined the
annexed publications, marked "A" and
"B" purporting to be "arrangements"
of airs or melodies from the
Pirates of Penzance. In the

pages under the pencil lines are reproductions of portions of the opera with the exception of occasional and slight inaccuracies (at passages marked x) of a note or two, but so slight that they would not be detected even by a person entirely conversant with the original composition. These reproductions comprise all of it except eight bars of "Introduction" so called, eight bars of conclusion and twenty-one bars in all throughout the piece of each modulation as is commonly employed in arrangements of this sort to connect one theme with the next. There are two hundred and fifty bars in the piece, of which all but thirty are are a reproduction. The accompaniment is an imitation though often incorrect and musically inaccurate of the harmony of the original.

In the publication marked "B" I find likewise a substantial reproduction of portions of the original work which I have marked with a pencil line across it with

four bars of conclusion and eight bars of modulation, not found in the original. The piece contains about one hundred bars, of which all but twelve are a reproduction.

I further declare that my own knowledge and an information, that Messrs. Gilbert and Sullivan had always taken every precaution to prevent the words or the music of the "Pirates of Penzance" from being made public, except by performance on the stage by their authorized companies, and that no copies of either words or music have been allowed to be made except those absolutely necessary for use in the performance, which have been made by me or under my own supervision and are most carefully kept and guarded. And furthermore I have always followed, in all other respects, the instructions of Messrs. Gilbert and Sullivan that every care should be taken to prevent the words or music from becoming public.

Alfred Cellier.

United States of America
State and District of Massachusetts
County of Suffolk,

I, Foster, in said State, District
and County this 20th day of April
A. D. 1900, personally appeared
the above named Alfred Sullivan,
to me personally known, and
who subscribed the above affi-
davit, and made solemn oath
that the statements therein con-
tained are true.

Before me
J. Henry Taylor
Notary Public.



Arthur J. Sullivan ¹⁸⁹¹ Nat

W.

Edward A. White, et al

Wm. J. Hayes & Co

"A"

J. H. Taylor
N. Y.

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3. The Model Major General35
4. Policemans 1st Chorus. When the foeman &c35
5. Policemans 2^d Chorus. When a felon &c35
- 6.
- 7.
- 8.

Instrumental.

1. Potpourri de Concert (4 Hds. 1.00).....*C. D. Blake* .75
2. Lancers Quadrille*E. H. Bailey* .50
3. Waltz " " .50

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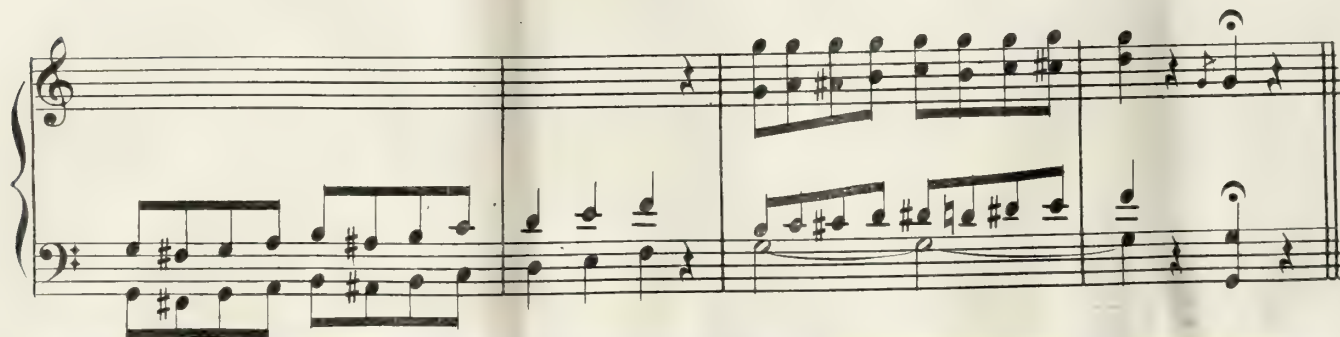
*Providence
W. Darling & Co.*

PIRATES OF PENZANCE.

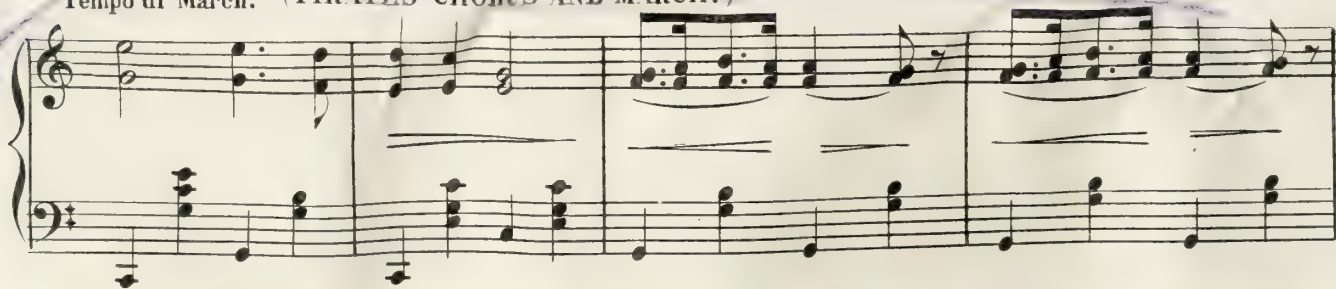
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by Chas. D. Blake.

Introduction.

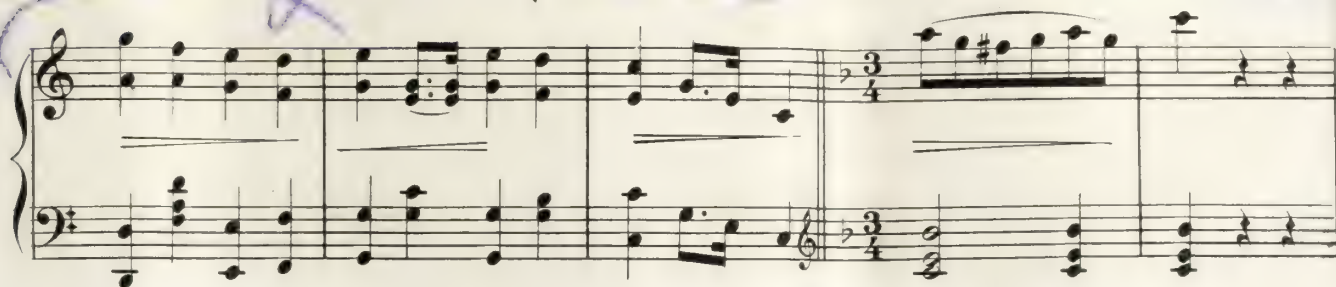


Tempo di March. (PIRATES' CHORUS AND MARCH.)

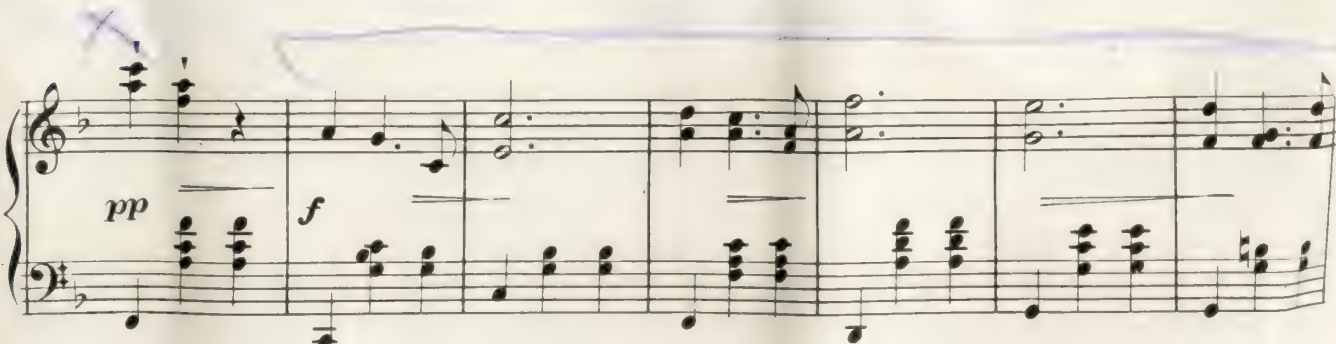


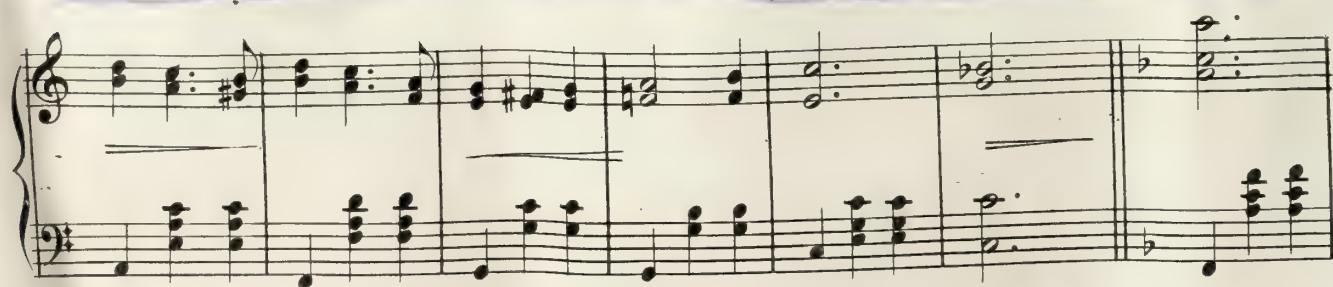
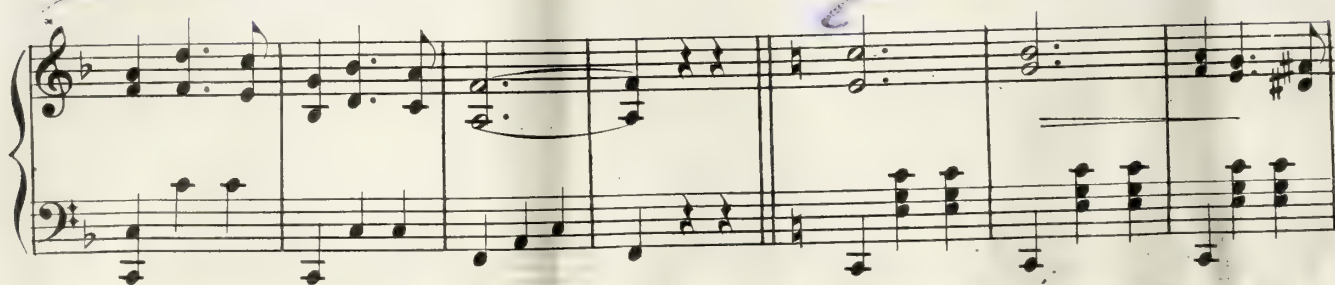
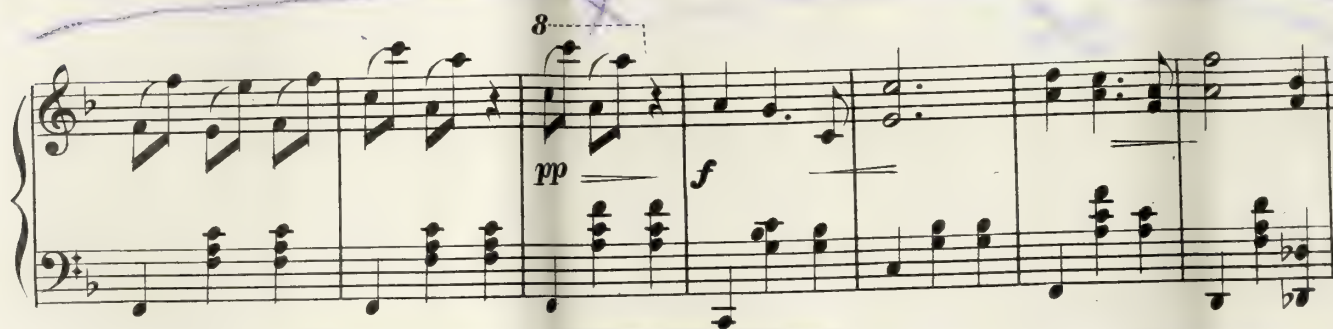


(MABEL'S SONG.)



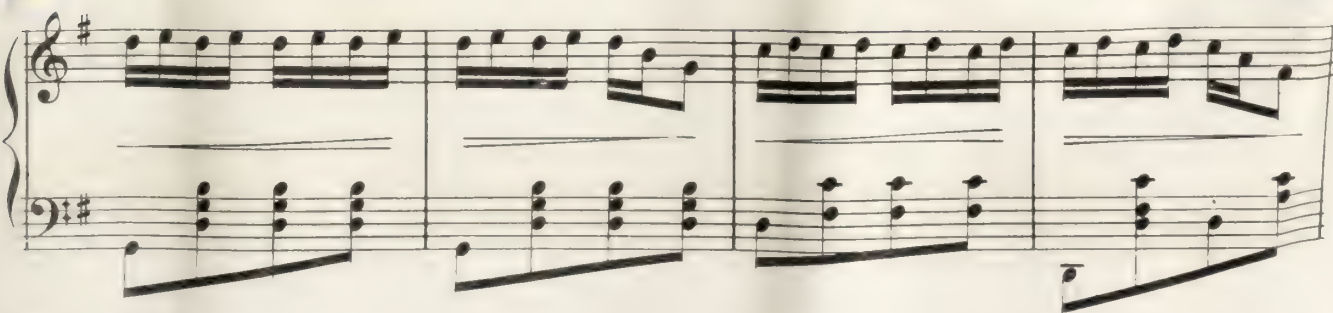
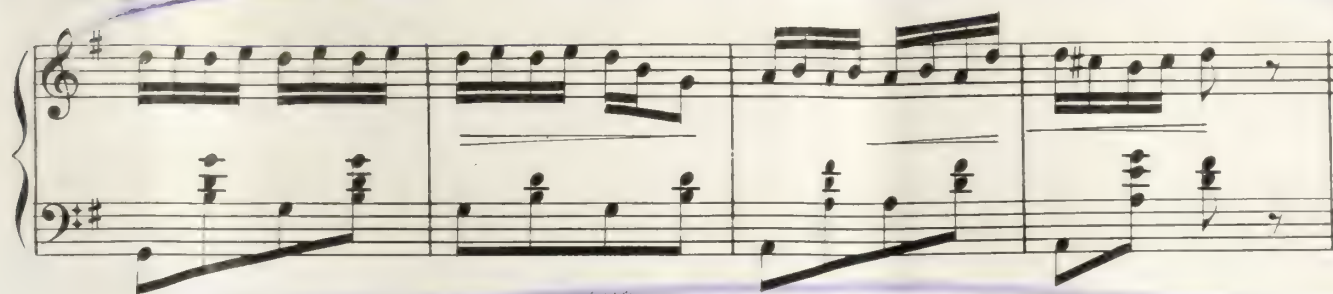
Tempo di Valse.





(MAJOR GENERAL'S SONG.)

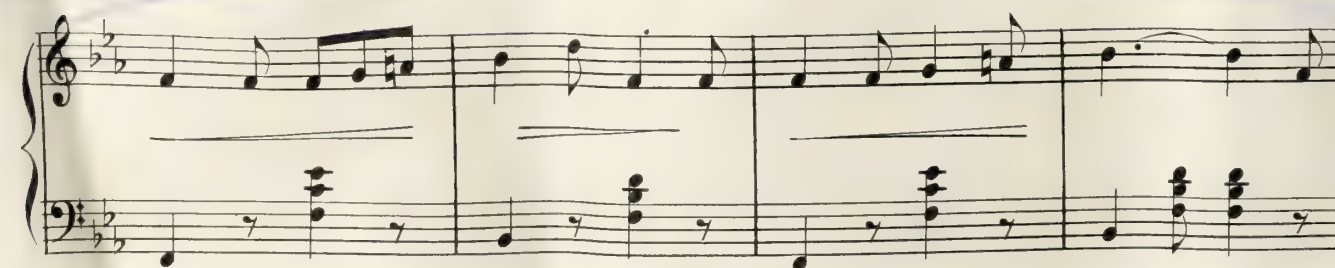
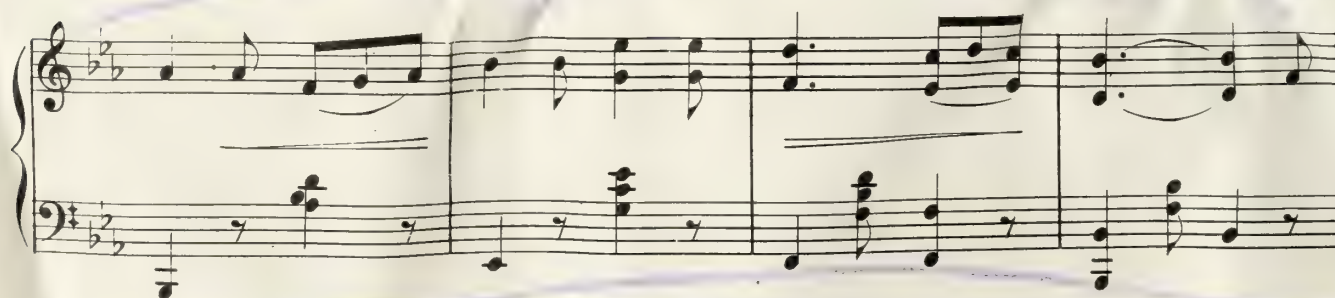
7





(PIRATE CHIEF.)

Tempo di March.



8 5

pp f

This system contains the first staff of music. It features a treble and bass clef with a key signature of one flat. The music consists of several measures of chords and moving lines. Dynamic markings 'pp' and 'f' are present.

(RUTH'S SONG.)

This system contains the second staff of music, labeled '(RUTH'S SONG.)'. It continues the musical composition with similar notation and dynamics.

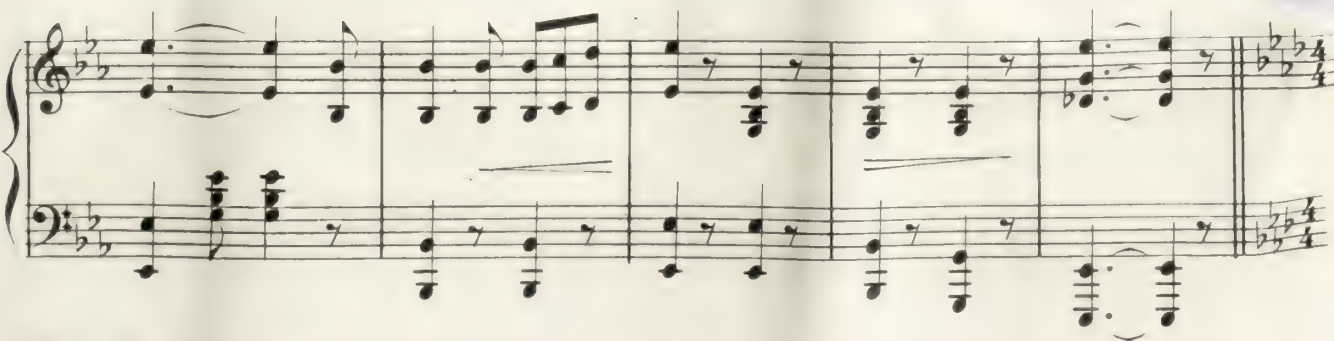
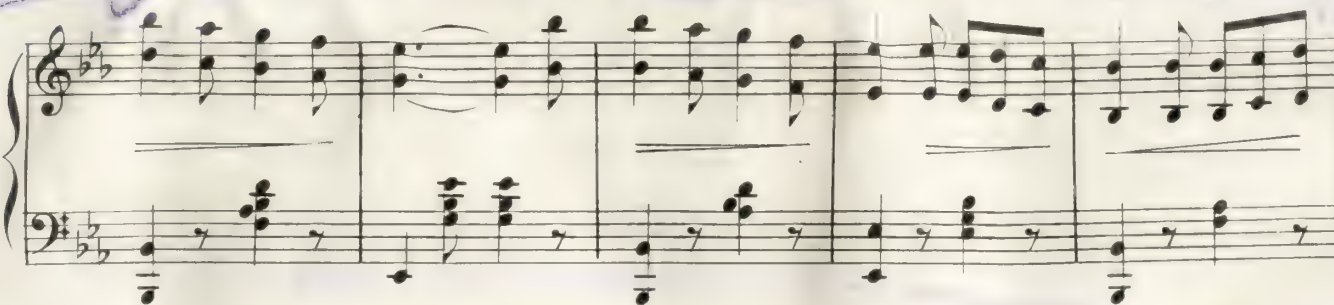
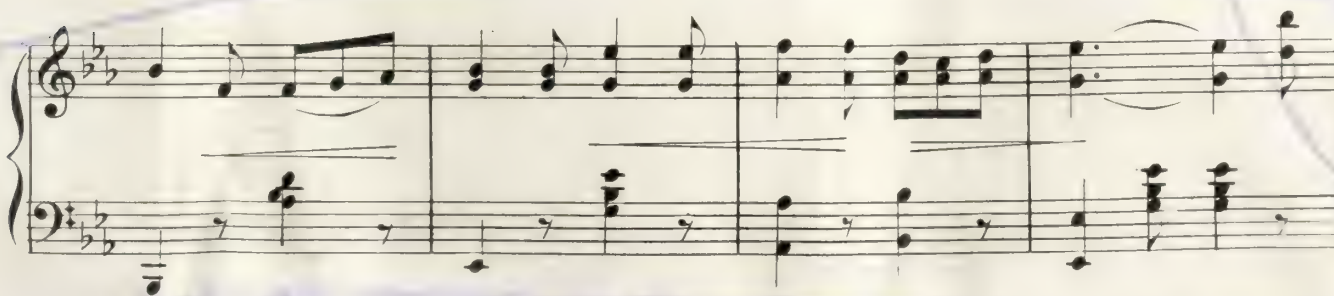
This system contains the third staff of music, continuing the piece with various musical notations and dynamics.

This system contains the fourth staff of music, featuring more complex musical structures and dynamics.

This system contains the fifth and final staff of music on the page, ending with a double bar line and a key signature change to two sharps.

(POLICEMAN'S SECOND CHORUS.)

This musical score is for the 'Policeman's Second Chorus'. It is written for piano in G major and 4/4 time. The score consists of five systems, each with a grand staff (treble and bass clefs). The first four systems are marked with a blue 'X' above the treble staff. The fifth system ends with a double bar line and a 2/4 time signature change. The music features a mix of eighth and sixteenth notes in the treble, often beamed together, and block chords or simple bass lines in the bass. There are some handwritten blue markings, including an 'X' and a '7', and a blue 'f' (forte) marking in the fifth system.



10 (ON TO VICTORY.)

Moderato.

First system of musical notation for 'ON TO VICTORY.' It consists of a grand staff with a treble and bass clef. The key signature has three flats (B-flat, E-flat, A-flat) and the time signature is 4/4. The melody in the treble clef features eighth and sixteenth notes, with a triplet of eighth notes in the third measure. The bass clef provides a harmonic accompaniment with chords and single notes.

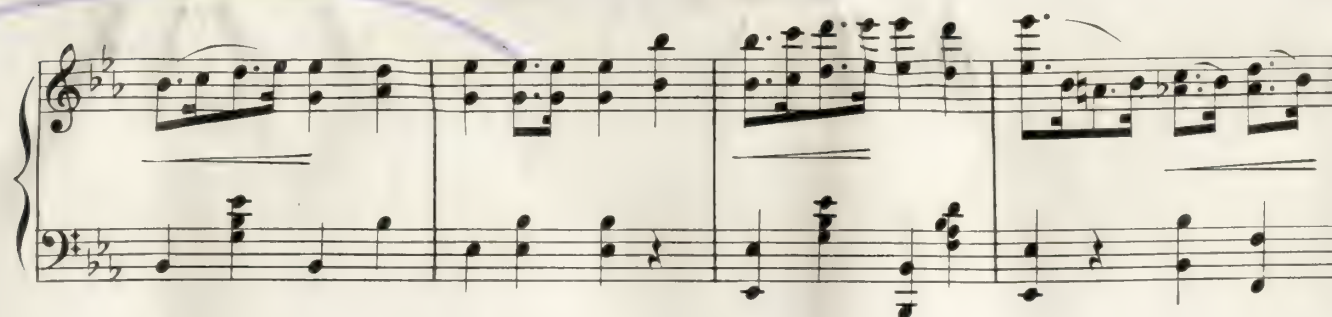
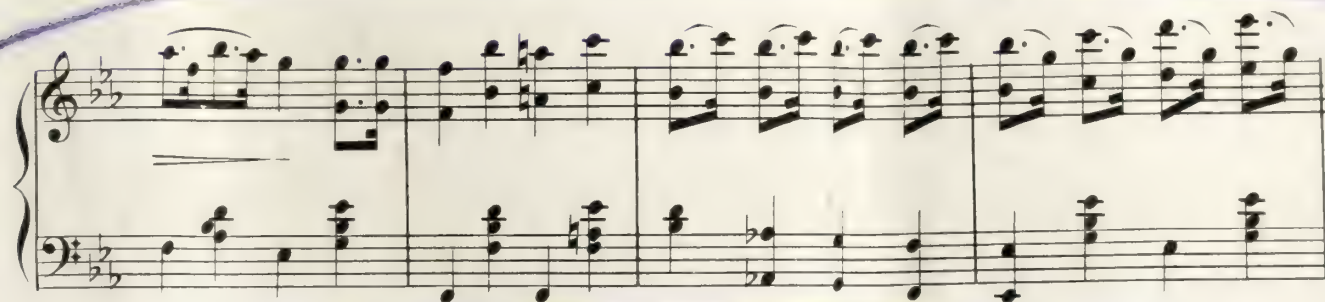
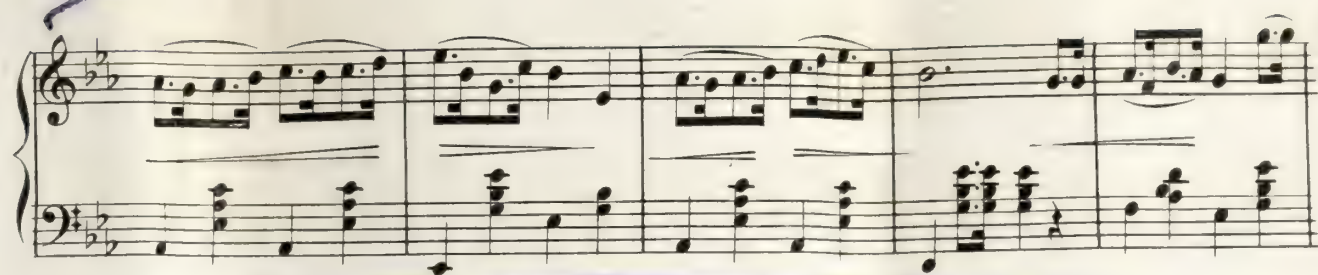
Second system of musical notation for 'ON TO VICTORY.' It continues the melody and accompaniment from the first system. The treble clef melody includes a triplet of eighth notes in the third measure. The bass clef accompaniment consists of chords and single notes.

Third system of musical notation for 'ON TO VICTORY.' It continues the melody and accompaniment. The treble clef melody features a triplet of eighth notes in the third measure. The bass clef accompaniment consists of chords and single notes.

(POLICEMAN'S FIRST CHORUS.)

Fourth system of musical notation for 'POLICEMAN'S FIRST CHORUS.' It begins with a key signature change to two flats (B-flat, E-flat). The treble clef melody features a triplet of eighth notes in the third measure. The bass clef accompaniment consists of chords and single notes.

Fifth system of musical notation for 'POLICEMAN'S FIRST CHORUS.' It continues the melody and accompaniment in the key of two flats. The treble clef melody features a triplet of eighth notes in the third measure. The bass clef accompaniment consists of chords and single notes.



B.

J. H. Taylor W. O.

FAVORITE MELODIES

FROM THE

PIRATES ^{OF}—
PENZANCE

—BY—

E. COLVILLE.



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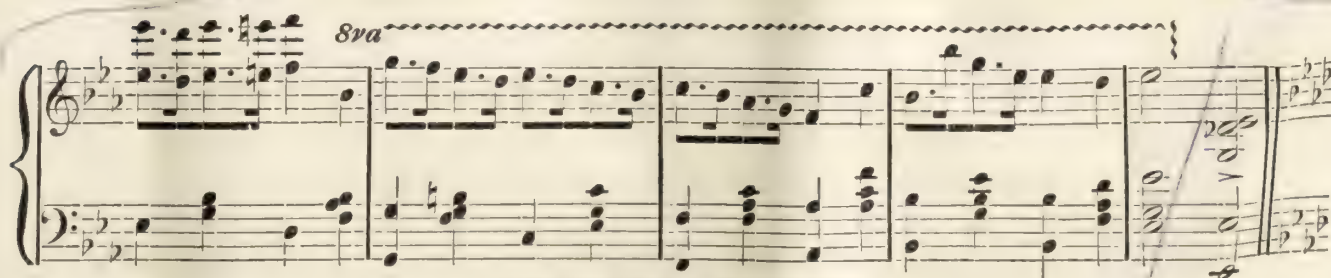
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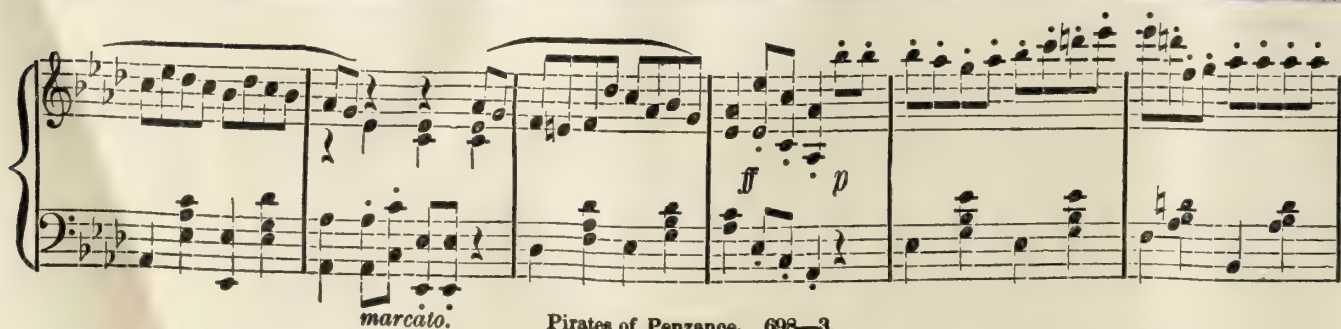
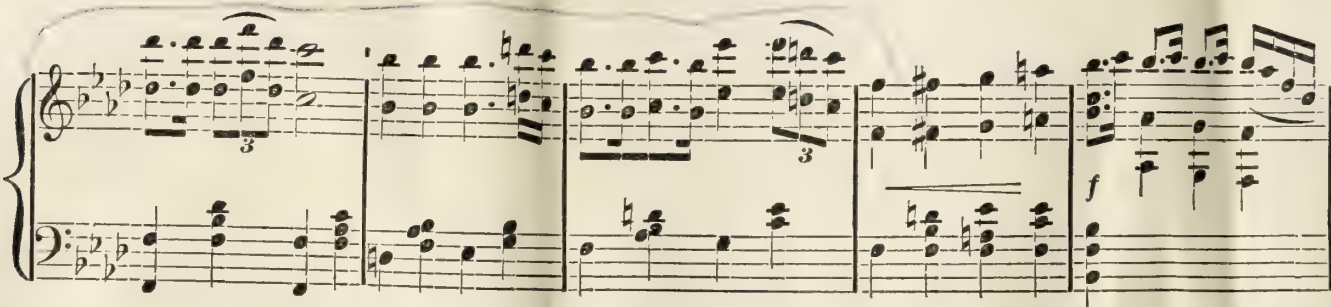
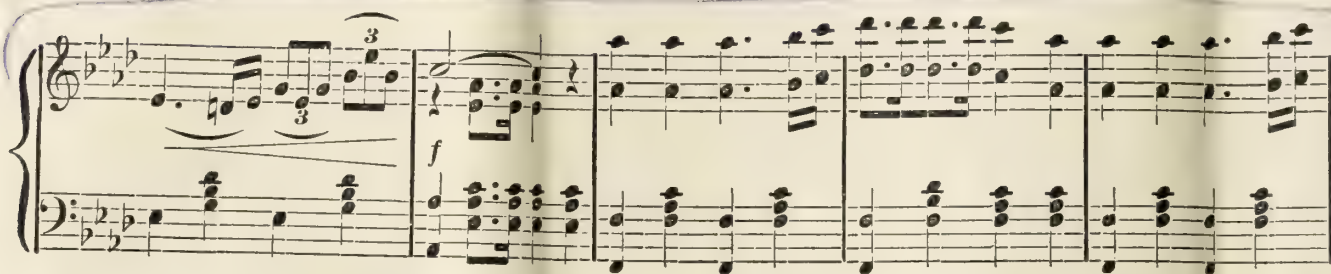
PIRATES OF PENZANCE.

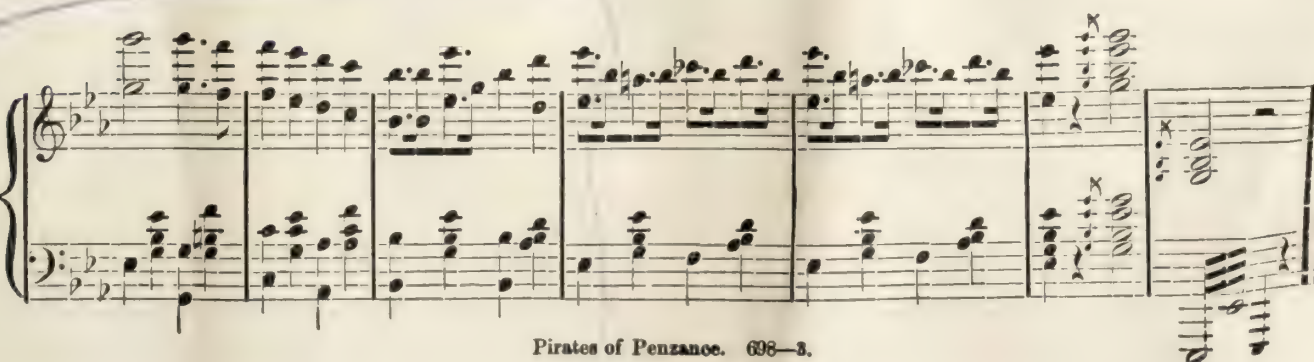
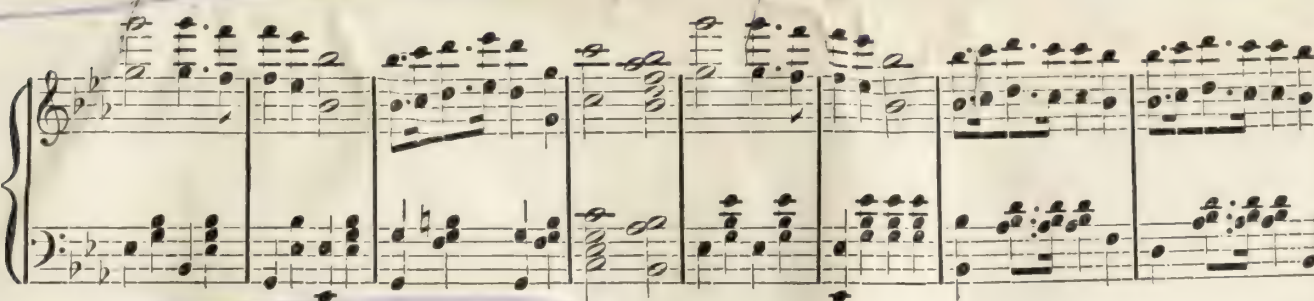
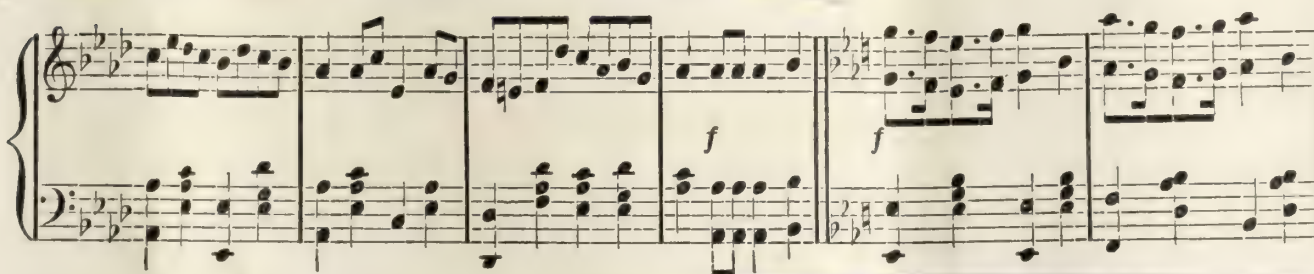
FAVORITE MELODIES.

EUGENE COLVILLE.

TEMPO DI MARCIA.







Piano Circle

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UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To *Charles A. White and William F. Smith* both
of Boston in said District and citizens thereof
Captains having their place of business in said
Boston, under the name of White Smith & Company

Your Agents and Servants, GREETING.

WHEREAS

Arthur J. Sullivan, William S. Gilbert
and *Richard D'Oyly Carte* all of London in the
Kingdom of Great Britain

have exhibited ~~their~~ Bill of Complaint before the Justices of our Circuit Court of the
United States for the First Circuit, begun and holden at Boston, within and for the District
of Massachusetts, on the *15th* day of *October* A.D. 18*77*, against you the said

Charles A. White and William F. Smith

praying to be relieved touching the matters therein complained of, and whereas, by an Order
from said Court, made on the *24th* day of *April* A.D. 18*80*,
it was ordered that a Writ of Injunction issue under the Seal of the said Court, to restrain you
and each and every of you, from doing all the matters and things from the doing of which you
are prayed to be restrained in said Bill, according in full with the prayer of said Bill.

WE therefore, in consideration thereof, ENJOIN AND COMMAND you each, and
every of you that from and immediately after the receipt and notice of this our Writ, by you,
or any of you, you shall not *advertise, publish, expose for sale or sell*
any publications like those marked "A" & "B" attached to the
affidavit of Alfred Cellier filed with said bill of Complaint,
"A" being entitled "Pirates of Penzance. The Potpourri arranged for Piano
Forte, - Potpourri", and "B" being entitled "Favorite Melodies from the
Pirates of Penzance", or like that, ^{marked "C"} attached to a certain other affidavit of
said Cellier, ^{filed with said bill,} entitled "Pirates of Penzance, Vocal Gems, - The Pirate King"
or any publications containing the words or music or any portion thereof of the Composition
entitled and known as "The Pirates of Penzance or the House of Duty", of which Arthur
J. Sullivan and William S. Gilbert are the joint and original authors and sole owners or
alleged in said Bill of Complaint, and you shall not receive, sell the copies or plates on or with
which said publications marked "A" "B" & "C" were printed

WHEREOF you are not to fail on pain of ten thousand dollars, to be levied on your and
each of your goods, chattels, lands and tenements, to our use.

Witness the Honorable *Morrison R. Waite*, at Boston,
this *twenty fourth* day of *April* in the year of our Lord one thousand
eight hundred and *seventy Eight*.

Alfred H. Tredbridge, Deputy Clerk.

United States of America, }
MASSACHUSETTS DISTRICT, ss. }

April 24th 1870

I HEREBY CERTIFY that I have notified the within named respondent

received
Service of the within on behalf
of the depts.

Master Charles
of Townsend

William Chad

1841

IN EQUITY,

267315

White Chad

WRIT OF INJUNCTION.

[*Apr 24. 1880*]

Deborah Adams & Son

UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To Charles A. White and William F. Smith,
both of Boston in said District and Circuit, then
copartners having their place of business in said
Boston under the name of White Smith Company
Your Agents and Servants, GREETING.

WHEREAS

Arthur S. Sullivan, William S. Gilbert
and Richard D'Oyly Carte all of London in
the Kingdom of Great Britain

have exhibited their Bill of Complaint before the Justices of our Circuit Court of the
United States for the First Circuit, begun and holden at Boston, within and for the District
of Massachusetts, on the 15th day of October A.D. 1879, against you the said

White & Smith

praying to be relieved touching the matters therein complained of, and whereas, by an Order
from said Court, made on the twenty third day of April A.D. 1880,
it was ordered that a ^{Restraining Order} ~~Writ of Injunction~~ issue under the Seal of the said Court, to restrain you
and each and every of you, from doing all the matters and things from the doing of which you
are prayed to be restrained in said Bill, according in full with the prayer of said Bill, until the
prayer for an ~~injunction~~ may be heard and decided by the Court.

WE therefore, in consideration thereof, ENJOIN AND COMMAND you each, and
every of you that from and immediately after the receipt and notice of this our ^{Restraining Order} ~~Writ~~, by you,
or any of you, you shall not advertise, publish, expose for sale or sell
any publications entitled "Pirates of Penzance" like those
marked "A" & "B" attached to the affidavit of Alfred
"A" being entitled "Pophourri" and "B" ^{opposite affidavits from the Pirates of Penzance} ~~being~~ filed with said Bill of Complaint, or like that entitled
"Pirates of Penzance" "Vocal Gems," and marked "C" and attached
to a certain other affidavit of Alfred Cellier filed with said bill,
or any publications containing the words or music or any portion thereof
of the Comic opera entitled and known as "The Pirates of Penzance or the
Slave of Duty", of which Arthur S. Sullivan and William S. Gilbert are the
first and original authors and sole owners as alleged in said bill of complaint,
until the question for Injunction during the pendency of said suit may be
heard and determined by the said Circuit Court

WHEREOF you are not to fail on pain of ten thousand dollars, to be levied on your and
each of your goods, chattels, lands and tenements, to our use.

Witness the Honorable Morrison R. Waite, at Boston,
this twenty third day of April, in the year of our Lord one thousand
eight hundred and seventy eight.

John I. Stetson Clerk.

1880
} 1880 - April 24

1880

I HEREBY CERTIFY that I have notified the within-named respondent,

White and Smith - by delivering
to said White in hand a duly attested
copy of this process - and by leaving
at the last and usual place of abode of
said Smith a like copy, in which
said White and Smith are added members
of said Smith family.

Rev. 4 -
Copies 2 -
or 24
or 24

V. P. Rawlin
Not. Marshall



IN EQUITY,

Charles A. Sullivan et al

VERSUS

Charles A. White et al

WRIT OF INJUNCTION.

Restraining Order

1880 Apr 23. 1880

Deacon. H. A. Sullivan

Circuit Court of the United States,
District of Massachusetts. } In Equity.

Arthur C. Sullivan et al. v. Charles H. White et al.

John H. Holmes of lawful age
being duly sworn says: I reside
in Boston, Massachusetts. On the
10th of April 1886 I called at
the store of Messrs. White, Smith
& Co. 116 Washington St. Boston
and having seen an advertisement
in the Boston Daily Herald of
Saturday April 10th that editions
from the "Pirates of Penzance" were
for sale there, ~~and~~ inquired of
a salesman if such was the fact.
He said it was and took from
a pile of them a copy of the
"Illustration", which copy is annexed
to the affidavit of Edward Bellus
having marked "A". I purchased
the said copy then and there.
I asked the salesman if they
published or had for sale the words
of the opera. He said that they
had in process of publication
several of the principal songs.

both words and music, and
would have them for sale on
Wednesday April 21st 1880. But
that day I again called at the
same store and purchased three
copies of the publication "The
Pirate King", one of which copies
is annexed to the second affidavit
of said brother herein, marked
"C". Upon inquiry, the salesman
told me that other songs, words
and music were in process of
publication and would be for
sale very soon, probably in a few
days. I saw on the counter con-
siderable numbers of publications
apparently the same as those
I bought. A conspicuous advertise-
ment or notice in the form
of a placard, that these publi-
cations were then for sale was
set up outside the door of the
store. Our attention was first called
to the said advertisement in the
Boston Daily Herald on Saturday
April 17th 1880. Notice was at
once sent by us to the Agent
of Messrs Gilbert and Sullivan

and Garte in New York, who upon receipt telegraphed us to proceed immediately to restrain the publication and sale of the infringing publications; in preparing for which we have used all possible diligence. When I made the purchase of the "Pothourri" at White, Smith & Co. I saw for sale and was asked if I wanted the publication annexed to said Bellier's affidavit marked "B".

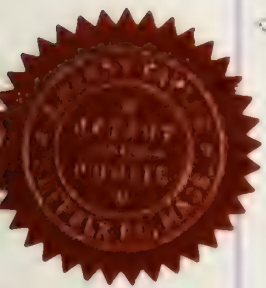
J. H. M. J. H. M.

United States of America
State and District of Massachusetts
County of Suffolk

At Boston, in said State and District and County this 24 day of April A.D. 1890, personally appeared John Gould Joly, whose name is personally known and who signed the foregoing affidavit and made solemn oath that the statements therein contained are true.

Before me

John Gould Joly



1391

Arthur J. Sullivan et al

vs.
Richard A. White et al

Wm. S. Lloyd & Co. et al





UNITED STATES OF AMERICA.

Massachusetts District, ss.

To Charles A. White and William
F. Smith, both of Boston in said District
and citizens thereof respectively, having their
place of business in said Boston under the
name of White Smith & Company

GREETING:

FOR CERTAIN CAUSES, offered before the Circuit Court of the United
States of America, for the first Circuit, within and for the Massachusetts District, as
a Court of Chancery, WE COMMAND AND STRICTLY ENJOIN YOU, laying all other matters
aside, and notwithstanding any excuse, that you personally be and appear before our
said Circuit Court at the Rules, to be holden at the Office of the Clerk of our said Court,
in Boston, in said District, on the first Monday, being the *seventh*
day of *June* next, to answer to a Bill of Complaint exhibited against
you in our said Court, wherein

Arthur T. Sullivan William S.
Gilbert and Richard D. Carly Carte all of
London in the Kingdom of Great Britain and
Citizens thereof -

are Complainants and you are Defendant ;
and to do further and receive that which our said Circuit Court shall consider in this
behalf. And this you are in no wise to omit, under the pains and penalties of what
may befall thereon.

Witness, the Honorable *Monroe R. Waite* at Boston,
this *twenty third* day of *April* A. D. 18*88*, in
the one hundred and *fourth* year of the Independence of the United States of America.

Alfred H. Troubridge Deputy Clerk.

MEMORANDUM. The defendant is to enter his appearance in the suit in the
Clerk's Office on or before the day at which the Writ is returnable, otherwise the Bill
may be taken *pro confesso*.

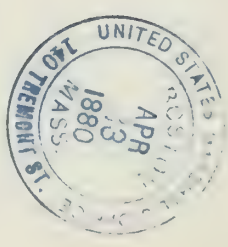
A true copy, Attest.

United States of America
 District of Massachusetts. Boston Apr 22 1880

Persons hereto I have this day served
 the within precept by delivering a
 duly attested copy of the precept in
 hand to the within named Charles A
 White and I summoned said Smith
 by delivering a like copy at his last
 and usual place of abode in hand of Sarah
 Sweeney an adult member of said
 Smiths family

S.W. 4 -
 Copies 2 -
 Exp .18
 \$6.18

O. V. Banks
 W. S. Marshall



And Equity:
 Arthur J. Sullivan et al

Charles A. White et al

Subpoena
 returnable June 22nd 1880
 to wit: June 24th 1880

Thos. M. Adams & Co
 Attorneys

UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal of our District of Massachusetts, or to either of his Deputies,

GREETING :

WE COMMAND YOU that you Summon *Charles A. White*
and William F. Smith both of Boston in
said District and citizens thereof who
are having their place of business in
said Boston under the name of White,
Smith and Company

(if they may be found in your precinct)

to appear before the Circuit Court of the United States, to
be holden at Boston, within and for the Massachusetts District, on *Tuesday the twenty first*
day of *April* current at ten o'clock, A. M., then and there to show
cause, if any they have, why an injunction should not issue against *Thomas* prayed
for in the Bill of Complaint of *Arthur S. Sullivan, William*
S. Sullivan and Richard S. Sullivan
all of London in the Kingdom of Great
Britain and citizens thereof

this day filed in the office of the Clerk of said Circuit Court.

HEREOF FAIL NOT, and make due return of this Writ, with your doings
thereon, into our said Court.

Witness, the Honorable

at Boston aforesaid, the

in the year of our Lord one thousand eight hundred and ~~seventy~~

Morrison R. Waite
twenty third day of *April*
eighty

CLERK.

United States of America, }
MASSACHUSETTS DISTRICT, SS.

Return April 28 1880

Pursuant hereunto, I this day summoned the within named

Chas A White and William T. Smith

to appear before the Circuit Court as within directed by *delivering in hand to*
said White a duly attested copy of this process - and also by
leaving a like copy at the last and usual place of abode
of said Smith - in hands of Sarah Sweetly an adult member
of said Smith's family *J. V. P. Banks* U. S. MARSHAL.

Gen 4 -
Cohes 2 -
24
46.24

In Equity,

704

Attorney at Law

SUMMONS TO SHOW CAUSE.



RETURNABLE,

At 10 o'clock A.M.

at 10 o'clock A.M.

Charles A. White

Attorney.

Circuit Court of the United States
District of Massachusetts
In Equity.

Arthur Sullivan et al

vs.
Charles F. White et al.

John Lenoir, being duly
sworn, deposes and says:

I am ~~thirty~~ years of age,
and reside in the city of New
York. I am the representative in
this country, having full power
of attorney, of Richard D'Oyly
Carte Esq. of London, England, theatri-
cal manager, and sole licensee of
Messrs. H. J. Gilbert and Arthur Sullivan
for the production of their opera
"The Pirates of Penzance, or the
Slave of Duty". As Mr. Carte's attorney,
I have for some time had charge
of the management of the said piece

in this country, and of the companies now performing it. I know of my own knowledge that Mr. Lortie and Messrs. Gilbert and Sullivan have devoted much time to and been at great expense in composing, arranging and preparing for the production of the piece, and in coming to the United States, and personally supervising the first performances. That there are now four companies engaged in its representation with an aggregate weekly salary list of over eight thousand dollars; that because of its great value to them all rights of production and reproduction of any part of the piece have been and are most carefully retained, and that special care has been taken to prevent either the words or the music from being made public. That contrary to the usual custom and at the cost of some inconvenience to those hearing the opera, no copies of the text are distributed and that none have ever been allowed to be made, except those absolutely necessary for use by the prompter and

performers, and these, when not actually in use, are most carefully preserved from all opportunity of becoming or being made public. The same precautions are observed with regard to the music. I know that the said Gilbert, Sullivan and Carte have taken these precautions because of the great value to them of the sole right to produce this opera in the United States, which right, I know to be of the value of many thousands of dollars and also to retain to themselves the sole enjoyment of said right, by preventing both the words and the music of the piece from being copied by or coming into the possession of any persons except those duly authorized by them, and from publication. No license, right or authority whatever to perform the said piece or any of the words or music thereof has ever been given or granted by either the said Gilbert or Sullivan or Carte or by me, to any persons except those regularly engaged by them for its representation on the stage, and no

license, right or authority has ever been given or granted by either of them or by me to any person to publish either the words or music or any part of them: nor have they nor I ever in any way acquiesced in any such unlicensed performance or publication. On the contrary they and I have always used every endeavor and the greatest care to prevent such performance or publication and to retain exclusive possession and control of the said words and music, and the sole right to publication and performance thereof.

I have examined the publications marked A, B & C. annexed to the affidavits of Alfred Bellier. These publications are not only wholly unauthorized by Messrs. Gilbert, Sullivan and Carte or any of them, or their agents, but I am informed and believe that many similar copies have been published and sold, and that the defendants have publicly announced that they intend and they do intend, to publish immediately

and have now in preparation and process of printing, other publications containing the words and music of other portions of the opera, and I fully believe that in this way a very great and irreparable injury amounting in extent to much more than five hundred Dollars will be done unless such publication and sale be forthwith restrained and prevented.

I also depose of my own knowledge as well as on information that Messrs Gilbert and Sullivan are respectively the original author and composer of the opera "Pirates of Penzance" and that the libretto and the music are not imitated or taken from preexisting works but are original and new.

Deposited in the
 office of the
 Clerk of the Court
 of the County of New York
 on the 11th day of April 1881

Helen Fenwick
 114 West 4th St
 N. Y. C.

Helen Fenwick

Arthur S. Sullivan and

v.

Charles A. White and

Wm. J. Allen & Son

UNITED

C. C. S. S.
Mass Dist } Oct 5 1879

No. 1391 Arthur S. Sullivan Atty v Charles A. White Atty.

Compt's Costs

Bill, entry &c.	5.00
Marshals fees, Service of subpoena &c.	12.42
Tr:	
W:	
Restraint order &c, Service of	7.24
Attys fees:	
S. C. 80	
D. E. 40	
D. T. 100	
Dec 100	
Rec 400	
	8.70
Atty fee	
Expunction	1.00
	<u>\$ 34.36</u>

~~Debit~~ Profits

Apr 19, 1880

Dec 13/91

William of Red

White of Red

George of Red

Circuit Court of the United States
District of Massachusetts
In Equity.

Arthur H. Sullivan et al

vs
Charles A. White et al

Alfred Bellier, of
London England, being duly
sworn deposes and says:-

I am
the Alfred Bellier who has already
made an affidavit in this matter.
I have carefully examined the
publication annexed hereto, marked
"B", and find that it contains
substantially the same reproduction
of the music from the Pirates
of Penzance as is found in the
publication marked annexed
to my other affidavit. From

constant rehearsal, and in other ways, I am thoroughly familiar with the text of the opera, and find in "le" a reprint of the words which are set in the original to the air of which "le" contains a reproduction.

I also depose of my own knowledge, as well as on information, that Messrs. Gilbert and Sullivan, are respectively original author and composer of the opera "Pirates of Penzance" and that the libretto and the music are not imitated or taken from preexisting works, but are original and new.

(The Affidavit is made before me) Alfred Collier.

(Signed by me)

Deborah V. Brown

I beg to certify

R. H. Fuller
Notary Public
1/70



"C"

PIRATES OF PENZANCE

Vocal Gems.

1. Ruths Song .35
2. The Pirate King35
3. The Model Major General35
4. Policemans 1st Chorus. When the foeman &c35
5. Policemans 2^d Chorus. When a felon &c35
- 6.
- 7.
- 8.

Instrumental.

1. Potpourri de Concert (4 Hds. 1.00)..... *C. D. Blake* .75
2. Lancers Quadrille *E. H. Bailey* .50
3. Waltz " " .50

BOSTON
WHITE, SMITH & COMPANY

516 Washington St.

Ottawa Ills.
Simon Brothers.

Austin Texas
Chas. T. Sisson.

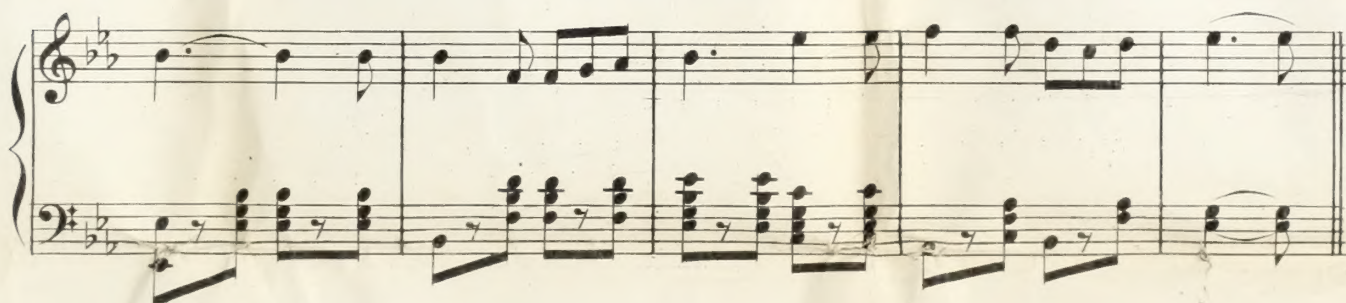
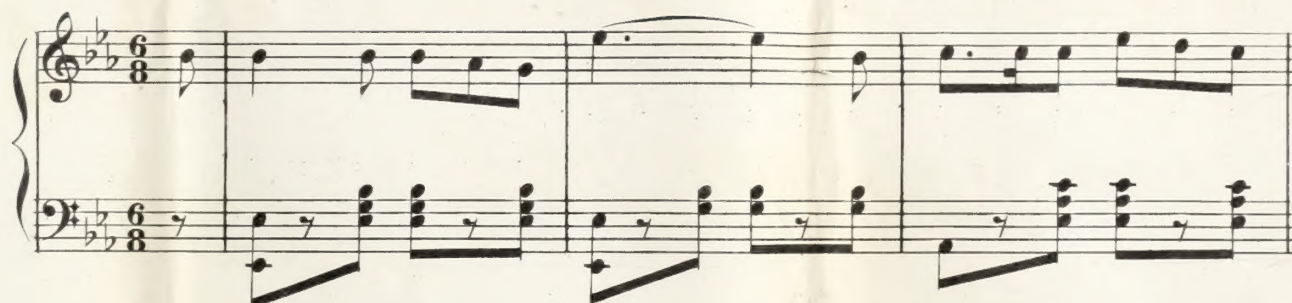
Providence
N. Darling & Co.



THE PIRATE KING.

From the Opera of Pirates of Penzance.

Vivace.



1. For I am a pi - rate king I am a pi - rate
2. When I sal - ly forth to seek my prey, I help myself in a



king It is, it is a glori - ous thing, To
re - gal way, I sink a few more ships 'tis true, Than a

be a pi - rate king A - way to the cheat - ing
well - bred mon - arch ought to do, But man - y a king on a

world go you, Where pirates all are well to do, But I will be true to the
first class throne, If he wants to call his crown his own, Must some - how man - age

song I sing, And I'll live or die a pi - rate king, For I
to get through More dir - ty work than ev - er I do, Though

am a pi - rate king..... I am a pi - rate king..... It
I'm a pi - rate king..... I am a pi - rate king..... It

is, it is a glorious thing, To be a pi - rate king.....
is, it is a glorious thing, To be a pi - rate king.....



ATES CIRCUIT

App. of Henry Collier

Charles A. White of ex.

v.

Arthur J. Sullivan of ex.

1391